



General Assembly

February Session, 2002

***Raised Bill No. 5061***

LCO No. 117

Referred to Committee on Labor and Public Employees

Introduced by:  
(LAB)

***AN ACT ESTABLISHING COLLECTIVE BARGAINING RIGHTS FOR  
STATE MANAGERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1      Section 1. Section 5-270 of the general statutes, as amended by  
2      section 1 of public act 01-103, is repealed and the following is  
3      substituted in lieu thereof (*Effective October 1, 2002*):

4      When used in sections 5-270 to 5-280, inclusive, as amended:

5      (a) "Employer" means the state of Connecticut, its executive and  
6      judicial branches, including, without limitation, any board,  
7      department, commission, institution, or agency of such branches or  
8      any appropriate unit thereof and any board of trustees of a state-  
9      owned or supported college or university and branches thereof, public  
10     and quasi-public state corporation, or authority established by state  
11     law, or any person or persons designated by the employer to act in its  
12     interest in dealing with employees, but [shall] does not include the  
13     State Board of Labor Relations or the State Board of Mediation and  
14     Arbitration.

15 (b) "Employee" means any employee of an employer, [whether or  
16 not] including employees in the classified and unclassified service of  
17 the employer [, except] and managerial employees, as defined in  
18 subsection (g) of this section, but does not include (1) elected or  
19 appointed officials other than special deputy sheriffs, (2) board and  
20 commission members, [managerial employees] (3) bureau heads, as  
21 defined in subsection (h) of this section, and (4) confidential  
22 employees.

23 (c) "Professional employee" means: (1) Any employee engaged in  
24 work (A) predominantly intellectual and varied in character as  
25 opposed to routine mental, manual, mechanical or physical work; (B)  
26 involving the consistent exercise of discretion and judgment in its  
27 performance; (C) of such a character that the output produced or the  
28 result accomplished cannot be standardized in relation to a given time  
29 period; (D) requiring knowledge of an advanced type in a field of  
30 science or learning customarily acquired by a prolonged course of  
31 specialized intellectual instruction and study in an institution of higher  
32 learning or a hospital, as distinguished from a general academic  
33 education or from an apprenticeship or from training in the  
34 performance of routine mental, manual or physical processes; or (2)  
35 any employee who has completed the courses of specialized  
36 intellectual instruction and study described in [subsection (c)(1)(D)]  
37 subparagraph (D) of subdivision (1) of this subsection and is  
38 performing related work under the supervision of a professional  
39 person to qualify [himself] to become a professional employee, as  
40 defined in [subsection (c)(1)] subdivision (1) of this subsection.

41 (d) "Employee organization" means any lawful association, labor  
42 organization, federation or council having as a primary purpose the  
43 improvement of wages, hours and other conditions of employment  
44 among state employees.

45 (e) "Confidential employee" means any public employee who would  
46 have access to confidential information used in collective bargaining.

47 (f) "Supervisory employee" means any individual in a position in  
 48 which the principal functions are characterized by not fewer than two  
 49 of the following: (1) Performing such management control duties as  
 50 scheduling, assigning, overseeing and reviewing the work of  
 51 subordinate employees; (2) performing such duties as are distinct and  
 52 dissimilar from those performed by the employees supervised; (3)  
 53 exercising judgment in adjusting grievances, applying other  
 54 established personnel policies and procedures and in enforcing the  
 55 provisions of a collective bargaining agreement; and (4) establishing or  
 56 participating in the establishment of performance standards for  
 57 subordinate employees and taking corrective measures to implement  
 58 those standards, provided in connection with any of the foregoing the  
 59 exercise of such authority is not merely of a routine or clerical nature,  
 60 but requires the use of independent judgment. [ , and such] Such  
 61 individuals [shall be] are employees within the meaning of subsection  
 62 (b) of this section. The above criteria for supervisory positions [shall]  
 63 does not necessarily apply to police or fire departments.

64 (g) "Managerial employee" means any individual in a position in  
 65 which the principal functions are characterized by not fewer than two  
 66 of the following, provided for any position in any unit of the system of  
 67 higher education, one of such two functions shall be as specified in  
 68 subdivision (4) of this subsection: (1) Responsibility for direction of a  
 69 subunit or facility of a major division of an agency or assignment to an  
 70 agency head's staff; (2) development, implementation and evaluation  
 71 of goals and objectives consistent with agency mission and policy; (3)  
 72 participation in the formulation of agency policy; or (4) a major role in  
 73 the administration of collective bargaining agreements or major  
 74 personnel decisions, or both, including staffing, hiring, firing,  
 75 evaluation, promotion and training of employees.

76 (h) "Bureau head" means any individual who heads a major division  
 77 of an agency and reports to the agency head or deputy agency head,  
 78 provided: (1) The number of bureau heads in any agency shall not  
 79 exceed the greater of (A) one, or (B) one-half of one per cent of the total

80 number of permanent full-time employees in the agency, rounded to  
 81 the next lowest whole number, (2) the number of bureau heads in the  
 82 state executive branch shall not exceed one-half of one per cent of the  
 83 total number of permanent full-time employees in the branch, rounded  
 84 to the next lowest whole number, and the number of bureau heads in  
 85 the state judicial branch shall not exceed one-half of one per cent of the  
 86 total number of permanent full-time employees in the branch, rounded  
 87 to the next lowest whole number, and (3) if an agency has more major  
 88 divisions than the number of bureau heads permitted in the agency by  
 89 this subsection, the major division shall be ranked by the number of  
 90 permanent full-time employees in each, and any individual heading a  
 91 major division with a smaller number of permanent full-time  
 92 employees shall be excluded from being classified as a bureau head  
 93 before any individual heading a major division with a larger number  
 94 of permanent full-time employees.

95       Sec. 2. Subsection (b) of section 5-275 of the general statutes, as  
 96 amended by section 2 of public act 01-103, is repealed and the  
 97 following is substituted in lieu thereof (*Effective October 1, 2002*):

98       (b) The board shall determine the appropriateness of a unit which  
 99 shall be the public employer unit or a subdivision [thereof] of the  
 100 public employer unit. In determining the appropriateness of the unit,  
 101 the board shall: (1) Take into consideration, but shall not be limited to,  
 102 the following: (A) Public employees must have an identifiable  
 103 community of interest, and (B) the effects of overfragmentation; (2) not  
 104 decide that any unit is appropriate if (A) such unit includes both  
 105 professional and nonprofessional employees, unless a majority of such  
 106 professional employees vote for inclusion in such unit, or (B) such unit  
 107 includes both Department of Correction employees at or above the  
 108 level of lieutenant and Department of Correction employees below the  
 109 level of lieutenant; (3) not decide that a unit is appropriate if the unit  
 110 includes both managerial and nonmanagerial employees; (4) take into  
 111 consideration that when the state is the employer, it will be bargaining  
 112 on a state-wide basis unless issues involve working conditions peculiar

113 to a given governmental employment locale; [(4)] (5) permit the  
114 faculties of (A) The University of Connecticut, (B) the Connecticut State  
115 University system, and (C) the state regional vocational-technical  
116 schools to each comprise a separate unit, which in each case shall have  
117 the right to bargain collectively with its respective board of trustees or  
118 its designated representative; and [(5)] (6) permit the community  
119 college faculty and the technical college faculty as they existed prior to  
120 July 1, 1992, to continue to comprise separate units which in each case  
121 shall have the right to bargain collectively with its board of trustees or  
122 its designated representative. Nonfaculty professional staff of the  
123 above institutions may by mutual agreement be included in such  
124 bargaining units, or they may form a separate bargaining unit of their  
125 own. This section shall not be deemed to prohibit multiunit  
126 bargaining.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>

***Statement of Purpose:***

To allow state managerial employees, other than bureau heads, to bargain collectively.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*